IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 2784 of 2005

Between:

K.N.Chary S/o.Laxmaiah, Conductor, (E.No.250108)
Sangareddy Bus Depot, Medak District.

..... PETITIONER

AND

1. The Depot Manager, APSRTC, Hyderabad Bus Depot, Medak District.
2. The Depot Manager, APSRTC, Sangareddy Bus Depot, Medak District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring that the action of the respondent No.1 in imposing the punishment of postponement of annual increment for a period of one year which shall have effect on petitioner's future increments without conducting a regular enquiry as bad, arbitrary, illegal, unjust and unreasonable and contrary to the judgments of this Hon'ble court and apex court and set a side final order No E1/1(39)/92- ZHB dated 1-12-1992 of the respondent No.1.

Counsel for the Petitioner:MR.P.VENKATESWAR RAO

Counsel for the Respondent Nos.1 and 2 : MR V.T.M PRASAD (SC FOR APSRTC)

The Court at the admission stage made the following O R D E R:

Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondents.

The petitioner questions the order dated 01.12.1992 imposing punishment of postponement of annual increment for a period of one year, which shall have the effect of postponing the future increments.

The petitioner contends that imposing such punishment is a major penalty and the same cannot be imposed without conducting any enquiry.

This Court in **S.K.Mastan v. Managing Director, APSRTC**, held that imposition of punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed unless preceded by an enquiry.

Having regard to the facts and circumstances of the case and following the above judgment, I am inclined to modify the punishment imposed on the petitioner to that of postponement of one annual increment without cumulative effect.

Accordingly, the writ petition is disposed of modifying the punishment imposed on the petitioner to that of postponement of one annual increment, which shall not have the effect of postponing the future increments. The petitioner is not entitled for monetary benefits. No costs.

17.02.2005

usd

To

1. The Depot Manager, APSRTC, Hyderabad Bus Depot, Medak District.
2. The Depot Manager, APSRTC, Sangareddy Bus Depot, Medak District.
3. Two CD copies.